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Attorneys for Defendant Federated Development
Company

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

LAFAYE BURKHOLDER,

Plaintiff,

v.

ASBESTOS CLAIMS MANAGEMENT
CORPORATION, et al,

Defendant.

CV'07 - 781 BR

No.

NOTICE OF REMOVAL
By Defendant

Multnomah County Circuit Court
Case No. 0510-10418

PLEASE TAKE NOTICE that defendant Federated Development Company removes this action to this court from the Circuit Court of the State of Oregon for the County of Multnomah, pursuant to 28 USC § 1446. The removal is based on the following grounds:

STATE COURT ACTION

1. On or about October 6, 2005, plaintiff Lafaye Burkholder filed an action in Multnomah County Circuit Court entitled *Lafaye Burkholder v. Asbestos Claims Management Corporation, et al*, Case No. 0510-10418. The removing party, Federated Development Company, was not a party to that lawsuit. On October 15, 2006, plaintiff filed a Second

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64884-0001/LEGAL13266612.1

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Amended Complaint, for the first time naming Federated Development Company. The lawsuit was not served on Federated Development Company until April 26, 2007. This service was the first notice to Federated Development Company that suit had been filed against that company. A true and accurate copy of the summons and second amended complaint as served on defendant Federated is attached as Exhibit A. Defendant has determined through inquiry and good faith effort that no other party served in the case is currently an active defendant. Accordingly, the summons and complaint constitutes all the relevant process and pleadings served on any party in the state court action.

2. Plaintiff brings this action for personal injuries based on products liability claim stated in negligence and strict liability. Because there are no other state court defendants subject to the jurisdiction of the court, the consent of co-defendants to this removal is not necessary.

DIVERSITY OF CITIZENSHIP

3. Plaintiff is and has been since the filing of the Second Amended Complaint a resident of Georgia. Federated Development Company is a citizen of the State of New York.

4. Plaintiff's complaint demands an amount in excess of \$75,000 exclusive of interest and costs.

5. Based on the foregoing, this court has original jurisdiction over the subject matter of this action under 28 USC § 1332 because defendant and plaintiff are citizens of different states and the amount in controversy exceeds \$75,000 exclusive of costs and interests.

ACTION REMOVABLE

6. This action is removable to this court under 28 USC § 1441 because this court would have had original jurisdiction over plaintiff's claims had plaintiff elected to file the action initially in federal court. This court is the U. S. District Court for the district embracing the place pursuant to 28 USC § 1441(a).

7. This Notice of Removal is filed within 30 days of receipt of the summons and complaint by defendant Federated in this action, as required by 28 USC § 1446(b).

2- NOTICE OF REMOVAL

DATED: May 25, 2007

PERKINS COIE LLP

By: 

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Development Company

3- NOTICE OF REMOVAL

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